



## Yellowstone County Board of Adjustment Minutes/February 14, 2008

The County Board of Adjustment met on Thursday, February 14, 2008 in the Large Conference Room, 4<sup>th</sup> Floor of the Parmly-Billings Library. **Chairman Heinrich** called the meeting to order at 4:00 p.m. **Chairman Heinrich** introduced the board members and staff in attendance.

Name	Title	01/10/08	02/14/08	03/13/08	04/10/08	05/08/08	06/12/08	07/10/08	08/14/08	09/11/08	10/09/08	11/13/08	12/11/08
<b>Oscar Heinrich</b>	Chairman	<b>Cancelled</b>	1										
<b>Brenda Robison</b>	Boardmember		1										
<b>Mike Boyett</b>	Boardmember		1										
<b>Carlotta Hecker</b>	Boardmember		1										
<b>Dolores Terpstra</b>	Boardmember		1										

**Chairman Heinrich** introduced the County Zoning Commission members and staff in attendance:  
 Nicole Cromwell, Planner II/Zoning Coordinator  
 Lora Mattox, Planner II  
 Elizabeth Allen, Planning Clerk

### Public Comments

**Al Keizer**, 515 Montclair Dr, the ditch bank along the section that is being spoken about was cut down during the construction of Zimmerman Trail. Two weeks later it was rebuilt, he would like to know why. There also used alfalfa and grass in this area and now all they have is dust and weeds. **Chairman Heinrich** referred him to Vern Heisler of City Public Works for his question.

### Approval of Minutes

The approval of the minutes was delayed until the next meeting.

### Public Hearings

#### Item #1: County Variance #256 – East of the intersection of Broadwater Avenue &

**Zimmerman Trail** - A variance from 27-308 requiring a minimum lot area of 10 acres in an Agriculture Open-Space (A-1) zone to allow a minimum lot area of 1.5 acres for a certificate of survey to convey a parcel of land for right-of-way purposes and divides the existing conforming Tract 6 of C/S 2702, a 38 acre parcel of land. Tax ID D11874. Yegen Grand Ave Farm, Inc. (Charles G. Yegen) and the City of Billings is the agent.

**Nicole Cromwell** read the legal description and **Lora Mattox** reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while

explaining the existing zoning of the subject property.  
Staff is recommending approval of County Variance #256.

**Discussion:**

**Chairman Heinrich** asked if this is just book keeping.

**Ms. Mattox** stated that in order to file the C/S the parcel must be in compliance with zoning.

*Public Hearing opened at 4:00 pm*

**Applicant:**

**Vern Heisler**, Deputy Public Works Director, the presentation sums this up well, splitting this tract happened during the road project. They would like to see this approved.

**Charles Yegan**, PO Box 959, this is part of the right of way for the Arnold drain. There are parts of this tract that are used for drainage from the Golf Course. They have an agreement with the City of Billings that would move the Arnold Drain underneath Broadwater. They held this tract back because they would like to see it as part of the Heritage Trail. This is not a buildable tract because it is covered by the Arnold Drain. He believes that the City will be creating the C/S for this property.

**Proponents:**

**Opponents:**

**Beann Melichar** 641 Luther Circle, not really against the proposal but they didn't understand what was happening with this proposal. She has two concerns; the first is that getting on to Broadwater when making a left is almost impossible and so she is concerned what might happen if Broadwater is expanded. This part of the land used to be used for walking and she doesn't see that any more. She would like to see a trail in this area.

**Alfred Kaiser**, 515 Montclair he asked for clarification on what this variance will encompass. **Ms. Mattox** clarified.

**Rebuttal:**

**Charles Yegan**, the south boundary line of this property is the south edge of the Arnold Drain to where the fence of the golf course. **Chairman Heinrich** asked if the Yegan's will retain ownership of this parcel. **Charles Yegan** clarified that the Yegan family would retain ownership.

**Motion:**

*On a motion by Boardmember Hecker, seconded by Boardmember Terpstra and approved with a 5-0 voice vote Variance # 256 was approved.*

**Discussion:**

**Other Business:**

Election of Officers:

*On a motion by Boardmember Terpstra, seconded by Chairman Heinrich and approved with a 5-0 voice vote, Boardmember Hecker was elected Vice-Chair.*

*On a motion by Boardmember Terpstra, seconded by Boardmember Robison and approved with a 5-0 voice vote, Chairman Heinrich was elected Chair.*

**Adjournment:**

*Meeting was adjourned at 4:22 p.m.*

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**Oscar Heinrich, Chairman**

**ATTEST:**

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**Elizabeth Allen, Planning Clerk**